

## REMARKS/ARGUMENTS

In the Office Action mailed May 3, 2007, claims 1 – 11 were rejected. In response, Applicants have amended claim 1, canceled claim 3, and added new claims 12 and 13. Applicants hereby request reconsideration of the application in view of the amended claims, the added claims, and the below-provided remarks.

### Claim 1

Claim 1 has been amended to include the limitations of claim 3 and to consistently use the terms “surface” and “surfaces.” Surfaces (16) and (17) are disclosed in Applicants’ specification at, for example, Fig. 1 and paragraph [0015]. Claim 1 has also been amended to particularly point out that reflected light from the deformed first surface escapes from the optically transparent layer at the second surface. Support for this amendment is found in Applicant’s specification at, for example, paragraph [0015]. As amended, claim 1 recites:

“A switch panel comprising:  
a touch plate comprising an optically transparent layer having first and second surfaces, said optically transparent layer having an index of refraction greater than that of air;  
an image generator that displays an image comprising a plurality of button positions to a person viewing said touch plate from said first surface,  
an imaging system that records an image of said first surface of said touch plate;  
a controller that is responsive to said image and generates an output signal if said touch plate is touched at one of said button positions; and  
a light source that generates a light signal that is reflected between said first and second surfaces of said touch plate within said transparent layer;  
wherein said first surface deforms sufficiently when a predetermined pressure is applied thereto ***to cause a portion of said light signal to be reflected toward said second surface*** at an angle greater than the critical angle in said optically transparent layer ***such that the reflected light escapes the optically transparent layer at the second surface.***” (emphasis added)

Claim 3 is rejected under 35 U.S.C. 103 as being unpatentable over Baharav et al. (U.S. Pat. No. 7,176,905, hereinafter Baharav) in view of Alles et al. (U.S. Pat. No. 4,542,375, hereinafter Alles). Baharav is cited for teaching all of the elements of claims 1 and 3 except that Baharav does not specifically teach the limitations of claim 3. Alles is cited as teaching the limitations of claim 3.

Applicants assert that claim 1, as amended, is not obvious from Baharav in view of Alles because Alles does not teach or suggest “wherein said first surface

deforms sufficiently when a predetermined pressure is applied thereto *to cause a portion of said light signal to be reflected toward said second surface* at an angle greater than the critical angle in said optically transparent layer *such that the reflected light escapes the optically transparent layer at the second surface*” as recited in claim 1.

Referring to Figs. 2 and 3 of Alles, Alles teaches a device (10) (i.e., a touch plate) having parallel surfaces (14) and (15). When the touch plate is not touched as illustrated in Fig. 2, the surface (14) is not deformed and light (21) escapes the touch plate through surface (14). When the touch plate is touched as illustrated in Fig. 3, the surface (14) is deformed and light (33) is internally reflected within the touch plate.

In contrast to the teachings of Alles and as recited in claim 1, light does not escape the second surface (17) of the transparent layer (11) when the first surface of the transparent layer is sufficiently deformed. That is, while Alles teaches that deformation of the touch plate causes light to be trapped within the touch plate, claim 1 recites that deformation of the touch plate causes light to escape from the touch plate.

Because Alles teaches that deformation of the touch plate causes light to be trapped within the touch plate while claim 1 recites that deformation of the touch plate causes light to escape from the touch plate, Applicants assert that a *prima facie* case of obviousness has not been established.

#### Claims 2 and 4 – 11

Claims 2 and 4 – 11 are dependent upon claim 1. Applicants assert that these claims are allowable at least based on an allowable claim 1.

#### New Claim 12

New claim 12 is formed by the combination of claims 1 and 6 as originally filed and recites, in part, “wherein said optically transparent layer comprises a pressure deformable layer of optically transparent material **bonded** to a layer of non-deformable material.” (emphasis added)

Claim 6, as originally filed, is rejected under 35 U.S.C. 103 as being unpatentable over Baharav in view of Kasday (U.S. Pat. No. 4,484,179). The Office action states that Baharav does not teach the limitations of claim 6 but that those

limitations are taught by Kasday. In particular, the Office action states that Kasday “teaches of a pressure deformable layer of optically transparent material bonded to a layer of non-deformable material.” (emphasis added)

Applicants assert that Kasday does not teach or suggest “wherein said optically transparent layer comprises a pressure deformable layer of optically transparent material bonded to a layer of non-deformable material” as recited in claim 12. With reference to Figs. 2 and 3 of Kasday, Kasday teaches a pressure deformable layer (11) and a non-deformable material (10). However, the pressure deformable layer (11) is separated from the non-deformable material (10) by an air gap (30). Because the pressure deformable layer (11) is separated from the non-deformable material (10) by air gap (30), the pressure deformable layer (11) and the non-deformable material (10) are not “bonded” as recited in claim 12. Because the pressure deformable layer (11) and the non-deformable material (10) of Kasday are not “bonded” as recited in claim 12, Applicants assert that a *prima facie* case of obviousness has not been established.

#### New Claim 13

New claim 13 is formed by the combination of claims 1 and 9 as originally filed. In the Office action, claim 9 is indicated to be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Because new claim 13 includes all of the limitations of claims 1 and 9 as originally filed, Applicants assert that claim 9 is in an allowable condition.

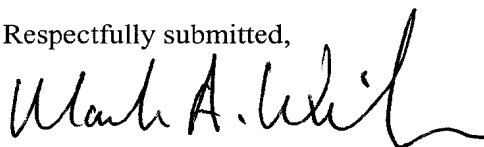
#### Double Patenting

Claims 1 – 11 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting. Applicants assert that the double patenting rejections are rendered moot in view of the claim amendments. Additionally, because the rejections are “provisional” rejections, Applicants reserve the right to address these rejections upon the allowance of the present claims.

### CONCLUSION

Applicants respectfully request reconsideration of the claims in view of the amendments and remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,



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